

as to his intent, if I might direct those questions.

THE CHAIRMAN: Delegate Henderson's time has expired. If there is time to recognize him and no one wants to speak, the Chair will recognize him again.

Does anyone else desire to speak in favor of the amendment?

Delegate Byrnes.

DELEGATE BYRNES: I would just like to point out that I think that some of the questions and answers that were suggested on the floor have left with some of us a misleading impression. I think he means only if the General Assembly decides to have a jury system on the district level would we have that. But we are not making that decision. If the General Assembly decides, then let us give them the additional flexibility to go below twelve.

It is simply giving them a flexibility that is highly desirable. We are not deciding that they should have jury cases at that level.

THE CHAIRMAN: Any delegate desire to speak in opposition?

DELEGATE RYBCZYNSKI: I want to go on record as probably the only delegate in this room in opposition to this amendment for a certain reason, and that is I am convinced now, more than ever, that what has been done in our judiciary section amounts to a five-tier court.

Not this year or next year, but in the near future, I can see where a crowded district court docket can be set back five, six, or seven days by a series of jury trials. I can say that there is no courtroom in the city of Baltimore that is on that level, designed to accomodate the jury.

I can see that there is no jury commissioner now in existence to handle this jury. I can see the spending of all kinds of money for this type of provision. I strongly urge the rejection of this amendment and I strongly urge all delegates to give serious consideration to this business of the four-tier court system.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Bennett.

DELEGATE BENNETT: I just wanted to respond. What Mr. Rybczynski is saying is that a jury trial should be discouraged. It is pretty hard to discourage jury trials in

Baltimore where 98 percent of the cases are tried on a verdict of guilty.

If we want to grant the jury trial and you believe in jury trials, the thing to do is to vote in favor of this amendment.

THE CHAIRMAN: Delegate Borom, do you desire to speak in opposition?

DELEGATE BOROM: Yes.

One thing that concerns me is when the amendment suggests the use of six people on the jury. The philosophy has been espoused that one should be judged by a jury of his peers. We have had trouble relating to the selection process of juries and when we talk about selecting six, I am concerned that we may further erode the principle of a trial by a jury of your peers.

Unless I can be assured that the criteria for the selection of jurors is such that he really has an opportunity to be judged by his peers, I will stick with the twelve.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

DELEGATE JOHNSON: Although my good friend Delegate Rybczynski has as always brought up some matters that merit attention, I do feel, however, inasmuch as Delegate Henderson's amendment will permit flexibility, we should give it very, very serious consideration.

In other words, it seems to me that this particular amendment would help the accused, would help incarcerated individuals who because of the nature of the crime or their record could not be released upon bail.

It would seem to me that they would have an opportunity to elect to have a speedier trial than they would if they waited to be tried either by a judge or jury at a superior court level depending upon the nature of the crime.

Inasmuch as this allows the General Assembly to consider the possibility of having six-man juries in the district court, I think it is a worthwhile amendment and I think that we should permit this flexibility in our constitution.

I believe that in time we are going to need juries in the district court and I think that the accused and their attorneys will welcome the opportunity to have a speedy trial and will welcome the opportunity to be tried by six men as well as twelve and for that reason, I support the amendment.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?